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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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BY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID MUNGAI NJENGA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 10-cv-1398-~~RAW~~ JLR

ORDER OF DISMISSAL




10-CV-01398-ORD

The Court, having reviewed petitioner's proposed "Petition and Request for Criminal Prosecution of Certain Individuals," application to proceed *in forma pauperis* ("IFP"), "Motion to Consolidate Cases," the Report and Recommendation of the Honorable James P. Donohue, Petitioner's Objection to Report and Recommendation (Oct 9) and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's proposed petition, Dkt. 1, is DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted;
- (3) Petitioner's application to proceed IFP, Dkt. 5, is DENIED as moot;
- (4) Petitioner's motion to consolidate cases, Dkt. 6, is DENIED as moot;
- (5) This dismissal constitutes a strike for purposes of 28 U.S.C. § 1915(g); and

1 (6) The Clerk is directed to send copies of this Order to petitioner and to the  
2 Honorable James P. Donohue.

3 DATED this 10<sup>th</sup> day of November, 2010.

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7 ~~RICHARD A. JONES~~ James C. Robert  
8 United States District Judge  
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